

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Agriculture & Co-operation Department – Disciplinary action against Sri T. Janardhan, CSR (Retd) – Allegation of corruption – Trapped by Anti Corruption Bureau – Conviction by ACB Court – Penalty of withholding entire pension and gratuity – Criminal Appeal allowed by the Hon'ble High Court of Andhra Pradesh and common judgment delivered on 26.06.2012 in Criminal Appeals 1337/05 and 1327/05 - Release of pension and pensionary benefits – Orders – Issued.

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AGRICULTURE & CO-OPERATION (VIG.III) DEPTT.

G.O. Rt.No.515.

Dated: 19.03.2013.

Read the following:-

1. G.O.Rt.No.608, Agrl. & Co-op.(Vig.III) Department, dated 19.06.2006.
2. Orders of A.P. Administrative Tribunal dated 27.11.2009 in O.A. No. 5191/2006.
3. From the Director General, ACB, Hyderabad, Letter Rc.No.9/RCT- HND/95-S3, dated 03.09.2012.
4. Representation from Sri. T. Janardhan, DR(Retd) dt. 01.10.2012.

ORDER:

In the G.O. 1st read above, Sri T. Janardhan, Co-operative Sub Registrar (Retired) has been convicted under section 248(2) Cr.P.C. for the offence Under Section 7 and 13(1) (d) read with Section 13(2) of the P.C. Act. 1988 and sentenced to undergo imprisonment for one year and to pay a fine of Rs.1,000/- for the offence in having demand and acceptance of bribe of Rs.500/- from Sri M. Yadagiri, President, Nayee Brahmin Co-operative Society for doing official favour and in default of payment of fine amount to suffer for three months simple imprisonment both the sentences were ordered to run concurrently by the Special Judge for SPE & ACB Cases, Hyderabad in C.C.No.24/95 on 5.8.2005. Accordingly imposed penalty of withholding entire pension and gratuity permanently against Sri T. Janardhan, CSR (Retd.) under rule 9 of the A.P. Revised Pension Rules, 1980 for the conduct which led to his conviction in C.C. No.24/95.

2. In the reference 2nd read above, Sri T. Janardhan, CSR (Retd) filed O.A.No.5191/2006 in A.P.A.T. challenging the orders on the ground that the judicial processing wherein the applicant has been convicted have not become final as the appeal against the said conviction is pending before the Hon'ble High Court. (The Accused Officer filed Criminal Appeal before the Hon'ble High Court in Cr.A.No.1337/2005 and Hon'ble High Court in its CrI. M.P.No.1451/2005 in C.A.No.1327/2005 suspended the sentence by its order dated 31.08.2005). The A.P. Administrative Tribunal while disposing the said O.A. has ordered that the impugned orders issued in the reference 1st cited are set aside and to pay the provisional pension to the applicant till the finalization of the criminal appeal pending before the Hon'ble High Court.

3. In the letter 3rd read above, the Director General, Anti Corruption Bureau, Hyderabad has informed that the Accused Officers Sri T. Janardhan, Co-op. Sub-Registrar & Md. Ghouse, Junior Assistant, O/o the Divil. Co-op. Officer, Nalgonda district were convicted on 5-08-2005 in C.C.No.24/95 by the Addl. Spl. Judge for SPE & ACB Cases, Hyderabad and the Accused Officers filed Criminal Appeal No. 1337 / 2005 and 1327 /05 in the High Court of AP Questioning his conviction in the Judgment dated 05.08.2005 in CC No. 24/95. The High Court pronounced judgment on 26.06.2012 acquitting the AOs of charges framed against them by allowing the appeals. The Standing Counsel for ACB, High Court of A.P., Hyderabad has opined that this is not a fits case to prefer S.L.Ps in the Supreme Court of India vide their opinion dated 16-07-2012 and bureau is also of the opinion that it is not a fit case to prefer S.L.Ps in the Supreme Court of India against the common judgment of the High Court of A.P. dated 26.6.2012 in Criminal Appeal Nos.1337/05 and 1327/05 and requested to communicate final orders of Government against the above acquittal orders of High Court of Andhra Pradesh.

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4. In the representation 4th read above, Sri T. Janardhan, Deputy Registrar (Retd) has requested the Government to issue necessary orders for release of his pension keeping in view of the common judgment delivered by the Hon'ble High Court of Andhra Pradesh on 26.06.2012 in Criminal Appeal No.1337/05 and 1327/05

5. Government after careful examination of the entire matter in detail and in the light of the judgment delivered by Hon'ble High Court of Andhra Pradesh, Hyderabad on 26.06.2012 in Criminal Appeal No.1337/05 and 1327/05 and taking into consideration the opinion of the Director General, ACB and Standing Counsel for ACB, Hyderabad have decided and hereby order to release pension and pensionary benefits to Sri T. Janardhan Deputy Registrar (Retired).

6. The Commissioner for Co-operation & Registrar of Co-operative Societies, A.P., Hyderabad shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

I.Y.R. KRISHNA RAO
SPL. CHIEF SECRETARY TO GOVERNMENT

To

Sri T. Janardhan, Deputy Registrar(Retired) through the CC & RCS,A.P., Hyderabad.

The Commissioner for Co-operation & Registrar of Co-operative Societies,
A.P., Hyderabad.

The Director General, Anti Corruption Bureau, Hyderabad.

Copy to: The Accountant General, Andhra Pradesh, Hyderabad.

SF/SC

// FORWARDED :: BY ORDER //

SECTION OFFICER